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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/354,870

07/16/1999

ROBERT D. WILSON

BL01134-012

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07/25/2006

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EXAMINER

FISCHEITTI, JOSEPH A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/354,870

Applicant(s)

WILSON ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 15, 17, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 15, 17, 18, 20, 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This action is issued pursuant to the RCE filed 12/30/05. Claim 11 is addressed as set forth below. It is noted that in the amendment accompanying the RCE, significant language was deleted from the previous version of claim 11 causing the claims to be again rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,12,17,18,15,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longfield '523 in view of PREPAY? and CREDIT CARD NEWS 1/15?99.

Longfield discloses arranging among a tax preparer and a spending vehicle provider as follows:

Longfield 523 discloses a method of providing an income tax refund amount to a taxpayer, comprising: obtaining electronic tax return data from an electronic tax preparation system, said electronic tax return data comprising an income tax refund amount from a taxing authority payable to a taxpayer (col. 3 lines 2-4 disclose electronic tax preparation, tax refund to payer is inherent to tax obligations);

Longfield also discloses selecting at least one dedicated spending vehicle from at least one spending vehicle provider, said selection completed by said taxpayer (the selection of the spending vehicle read is the choice between the RAL credit card or the RAL check);

Longfield further discloses assigning at least a portion of said income tax refund amount to said third party spending vehicle (for the RAL check to issue, collateral in the form of the tax refund amount must be taken which by agreement involves an assignment of such refund).

Longfield further discloses issuing said at least one spending vehicle to said taxpayer prior to receipt of the assigned portion of tax refund (see col. 5 lines 5-11 check is issued prior to receipt of the refund)

Longfield further discloses transferring electronically said at least a portion of said income tax refund amount to an account for said third party spending vehicle (col. 5 lines 53 et seq. disclose transferring the tax refund of a person to whom a RAL check has been issued to an ACH account owned by the RAL).

However, Longfield fails to explicitly disclose arranging among a tax preparer and a spending vehicle provider a spending vehicle to a taxpayer even though it discloses providing as credit card as a spending vehicle col. 6 lines 19 et seq. PREPAY? Discloses prepaid cards as a compliment to credit cards and CREDIT CARD NEWS 1/15?99 discloses partnering retailer offering spending vehicles as refunds . It would be obvious to modify Longfield to include a prepaid card associated with a

partnering provider, the motivation being the insured use of the vehicle at he designated provider's store.

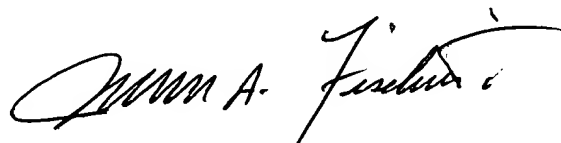
Re claim 12: RAL credit card is the spending vehicle.

Re claim 17: the federal taxing authority is read as the IRS in col. 6 line 24.

RE claim 18: col. 3; line 26 discloses the use of a tax return preparer.

RE claims 15, 20, 21: CREDIT CARD News 1/15/99 discloses taking a given refund amount e.g. the cash back bonus and creating a spending vehicle which is of double value as provided by a retailer. It would be obvious to modify the credit card in Longfield to both have a increased value feature and be one provided by a retailer e.g. LOWES if the person is a home improvement person, etc., because the motivation for this would be to allow the user to shop where he/she likes to shop and give them a value added benefit for that.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.



JOSEPH A. FISCHETTI  
PRIMARY EXAMINER